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RUEHC/DEPT OF LABOR WASHINGTON DC
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RHEHNSC/NSC WASHINGTON DC

UNCLAS SECTION 01 OF 08 SEOUL 000332

SENSITIVE
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DEPT FOR G/TIP, G-ACBLANK, INL, DRL, PRM, EAP/RSP

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TAGS: [KS](#) [KCRM](#) [PHUM](#) [KWMN](#) [SMIG](#) [KFRD](#) [ASEC](#) [PREF](#) [ELAB](#)

KTIP

SUBJECT: NINTH ANNUAL TRAFFICKING IN PERSONS REPORT SOUTH KOREA SUBMISSION PART 2

REF: SECSTATE 132759

¶33. (U) H. The Korean government can extradite persons charged with or investigated in connection with trafficking crimes in other countries according to relevant reciprocity or extradition treaties. There were, however, no such cases during the reporting period.

¶34. (U) I. There is no evidence to suggest government tolerance of trafficking.

¶35. (U) J. There were no trafficking incidents involving Korean government officials reported during this period. A government-affiliated NGO pointed out that there have been cases of government officials involved in soliciting prostitution in massage parlors and bars. These individuals typically received only very light punishment. The incidents prompted this NGO to call for a code of ethics for government officials, more stringent punishment, and the disclosure of the offenders' names. Whether or not the prostitutes involved were trafficking victims is unknown.

¶36. (U) K. Prostitution is criminalized in Korea. Laws that were enacted in 2004 provide for penalties for those who engage in prostitution whether it be the prostitute, owner, client, or pimp. In 2008, there was a severe crack down on red-light districts. While the exact number of red light districts in Korea is not known, the crackdown targeted 12 of these districts throughout Korea along with numerous brothels. There remain, however, many red-light districts in Korea.

¶37. (U) L. There were no allegations that Korean troops stationed overseas were involved in trafficking.

¶38. (U) M. Korea is not a destination country for child sex tourism. During this reporting period, however, the ROKG did deport two U.S. pedophiles. The first taught English since entering Korea 10 years ago, and was deported due to his previous U.S. prosecution. The other, who had been imprisoned for five years on charges of committing sexual assaults against two child patients while working as a

psychiatrist in the U.S., entered Korea in October 2007 and was deported soon after his previous crime was discovered.

¶139. (U) M. (contd) Korea does have extraterritorial provisions and can prosecute Koreans found guilty of engaging in child sex tourism overseas, but there have been no such convictions in recent memory. Currently, however, Korea's National Intelligence Service is investigating a South Korean broker working for an NGO that helps defectors escape the North to Southeast Asia on charges of kidnapping and raping a 16-year North Korean girl in his care in Laos. According to the Ministry of Foreign Affairs (MOFAT), the government asked the police to investigate this incident. Sources in MOFAT conceded that there are probably more such cases, but victims rarely come forward. From now on, MOFAT and Unification Ministry officials said that as soon as defectors state their intention to relocate to South Korea, the country's diplomatic missions will interview them about possible human rights violations by brokers.

¶140. (U) M. (contd) An increase in sex crimes against children has prompted the ROKG to increase the maximum sentences on offenders and form a database to record such crimes. In response to outrage against foreign pedophiles, the ROKG has also instituted stricter immigration requirements that include background checks into past related offenses. Despite some harsher sentences, judges tend to be lenient. According to press reports, between 2004 and 2007 only 23.5 percent of those convicted of pedophilia against children under 13 were actually jailed. Of those convicted,

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70.6 percent were released on probation.

Paragraph 26: Protection and Assistance to Victims

¶141. (U) A. The Anti-Prostitution Laws protect women trafficked for sexual exploitation and does not permit them to be tried as criminals. For cases in which there is a concern about possible reprisals against victims or witnesses, Korean law allows the government to take measures to ensure the personal safety of victims, including escorting witnesses to and from court and assigning them personal security details. The Korean Government does not provide asylum to foreign trafficking victims, but trafficking victims are eligible for a G-1 visa, which entitles them to stay up to one year. Extensions are possible. Victims must have filed a lawsuit or be receiving medical treatment to be eligible. They must present a court summons or doctor's report to prove eligibility.

¶142. (U) B. To increase its ability to aid victims, during the reporting period the Korean government opened additional support facilities, bringing the total to 100. These facilities now include 43 adult and youth facilities, 29 counseling centers, 10 group homes for longer-term support, six rehabilitation centers, and three shelters for foreign victims. These facilities provide victims with lodging, psychological and medical aid, counsel, occupational training, education for entering school, assistance during police questioning, and support for resolving credit problems. Between January and June 2008, 6,770 individuals (both foreign and Korean) were referred to or used facilities supporting trafficking victims. Information was not available on how many of these individuals had been trafficked. Of these, 1,183 victims were provided services by shelters or group homes. Of these victims, 693 were new referrals. Foreign victims have access to all facilities providing protection and support. Child victims of prostitution are placed in shelters for victims under the age of 19. MOGE announced in December 2008 that the ROKG will increase the number of shelters for women or children suffering from domestic violence or sexual abuse, and would increase legal help and interpretation services for

foreigners.

¶43. (U) C. Both the central government and local governments play a crucial role in funding victim support facilities. The large majority of prostitution and sex trafficking victims are assisted by government-sponsored programs because very few private organizations offer such assistance. The central government provides 50-80 percent of funds for facilities supporting prostitution and sex trafficking victims, while the local governments provide 20-50 percent. In 2008, of the central government's 15.4 billion won (about USD 12 million) budget to protect victims and prevent prostitution, the ROKG spent 14.2 billion won (about USD 10.9 million) on facilities to support victims. (NOTE: Although this represents a decline over last year -- 18.2 billion won and 16.7 billion won, respectively -- the comparison looks all the more stark when converted into U.S. dollars, because of the Korean won's declining value over the past year against the dollar.)

¶44. (U) C. (contd) In addition to shelters, government-sponsored counseling centers provide prostitution and sex trafficking victims with medical and legal aid, teach self-sufficiency, and support legitimate business growth in former red-light districts. As of June 2008, these facilities had provided: 27,305 victims with counseling services; 9,384 with legal assistance; 8,290 with medical aid; 997 with living expenses; 1,761 with vocational

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training; and 127 with employment. Between August 2007 and July 2008, the government helped 54 women who had been freed from the sex trade get counseling jobs. Additionally, the Korean National Policy Agency (KNPA) runs Foreigners' Human Rights Protection Centers in 51 police stations nationwide. These centers offer counseling and address both labor and sex trafficking issues like extortion, family abuse (frequently a problem for foreign brides), nonpayment of wages and other human rights violations. The KNPA investigates allegations of criminal acts, provides interpretation services, and helps foreigners understand the Korean legal system. In the case of wage nonpayment, the KNPA will work to get wages paid as quickly as possible. In 2008, 9,592 individuals came to the center and received counseling services. Of these, 143 cases led to investigations, 7,689 cases received counseling regarding legal affairs and civil petitions, 345 were unpaid wages cases, and 163 were domestic violence cases.

¶45. (U) C. (contd) Out of concern over migrant workers whose wages were withheld and whose contracts were ignored, the Ministry of Labor in 2008 increased the number of its support centers from 20 to 27, therefore providing more assistance to trafficked laborers than in previous years. The ROK has implemented an increased number of support centers to aid those who have been trafficked into Korea for labor. The main concern of these centers is laborers whose wages have not been paid and whose contracts have not been honored.

¶46. (U) D. The Korean government does provide assistance to foreign trafficking victims. Please see paragraphs 41-42 and 44-45 for more information. Korean Immigration Service (KIS) also conducts ombudsman interviews for deportation cases. In 2007, 11,054 deportees spoke with the ombudsman. Of these, there were 5,540 cases of unpaid wages totaling just over USD 6 million. There were also 3,871 other cases including human rights violations.

¶47. (U) E. Please see paragraphs 42 and 44 for more information. As previously reported (paragraph 42), the number of shelters and group homes increased in 2008. These new facilities included two juvenile assistance facilities, one group home, and one self-support assistance facility. Other important changes include a relaxation of the standards for entering group homes and an increase in the maximum length of stay from one year to three years. The government also strengthened cooperation with civic groups to help

former sex trade workers gain job skills through peer counseling programs. In December 2008, the MOGE announced a plan to increase the number of shelters (see paragraph 42). Part of this plan calls for increasing from four to ten the number of community centers for abused children, especially for the sexually molested, and offering legal consultations and medical care to victims and their families.

¶48. (U) F. The government has not yet developed such a referral process and there is no data available, but the police referred 53 victims (out of 693 new referrals) to sex worker support facilities.

¶49. (U) G. The ROKG tracks the total number of sex trade workers helped through government-sponsored support facilities (see also paragraphs 42-44), but has no means of identifying how many of those were trafficked.

¶50. (U) H. At present, Korea has no formal system.

¶51. (U) I. The Anti-Prostitution Law defines victims of sex trafficking as victims, and exempts them from punishment. The law also sets out that, whenever there is significant reason to regard the suspect or witness as a victim, their court representative, relatives, or lawyers should be immediately notified and measures to protect the victim

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should be taken -- including a closed investigation and referral to relatives, support facilities, and counseling centers to prevent the victim from being confined, detained, deported, or otherwise treated as an offender. Victims repatriated to Korea are eligible for medical and legal support services at counseling centers and shelters. The Act on the Protection of Youth prescribes that minors engaged in the sex trade shall not be punished.

¶52. (U) I. (contd) Foreign women's rights are protected through special provisions, which stipulate that, when a foreign woman reports one of the above-mentioned crimes or when investigating a foreign woman as a victim, the case in question should be carried out without arrest and forced evacuation and probation should be suspended until the case is prosecuted (see paragraph 41 for more information).

¶53. (U) J. In addition to criminal cases, victims can file civil suits or seek legal action against traffickers, without any interference, and they are eligible for protection if they are in danger of retribution (paragraph 41). In trafficking cases the Act on the Protection of Informants of Special Crimes (which includes protections such as not disclosing the informant's personal information) is invoked for the victims. While court cases are pending, trafficking victims are not restricted from obtaining employment or traveling abroad.

¶54. (U) J. (contd) In practice, although the ROKG provides victims with a G-1 visa (see paragraph 41), NGOs report that victims are not aware of these options. Their primary concern is being turned in to immigration for illegal residency, and this hinders police investigations into trafficking networks. Another obstacle, according to NGOs, is USFK's zero tolerance policy on prostitution and human trafficking. The policy, while laudable, serves as a disincentive for U.S. servicemen who would otherwise be inclined to cooperate with authorities, thus impeding investigations into the trafficking of women in areas around U.S. bases.

¶55. (U) K. Refer to paragraph 27-28 for more information about specialized training for government officials. The ROKG has not yet established a specific program for educating officials about trafficked children, but the issue is included in courses covering laws on domestic and overseas prostitution, which are intended to promote understanding of the human rights of both women and children. The Korean

Government educates its embassies and consulates in foreign countries to protect Korean victims and support them as part of the mission to protect Korean nationals abroad. The Korean government urges its diplomatic missions to work closely with relevant Korean agencies and organizations abroad, such as the Korean Lawyer's Association and various Korean women's organizations. The relevant embassies or consulates are ready to cooperate with international organizations, but the ROKG had no opportunities to do so during this reporting period.

¶56. (U) L. Victims of sex trafficking in Korea as well as those repatriated Korean victims are eligible for all the government assistance outlined in paragraphs 42-44 and 47.

¶57. (U) M. NGOs that work with trafficking victims in Korea include: the National Alliance for the Resolution of the Prostitution Problem; One Voice for Eradicating Prostitution; the Association of Women's Support Facilities; Dashihamkke; Dooraebang; Friend's House; Woman Migrants Human Rights Center and the Center for Women's Human Rights. International organizations active in Korea include the Asia Foundation and Bombit Women's Foundation. These organizations work on preventing prostitution, protecting

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victims, and ensuring women's human rights. As almost all Korean NGOs are mostly government-sponsored, the NGOs cooperate closely with the central and local governments. In addition to the shelter, counseling, medical care, and job retraining already mentioned, these NGOs provide a host of other functions, including:

- work with the government-administered "Monitoring Commission on the Prevention of Prostitution," in which the relevant government agencies meet to discuss means of preventing demand for the sex trade and to cope with related issues;
- influence the policy-making process by taking part in MOGE's policy advisory and evaluation committee;
- and drive the rehabilitation of red-light districts.

Paragraph 27: Prevention

¶58. (U) A. The ROKG conducted anti-trafficking informational and education campaigns with a focus on reducing demand. In particular, starting in December 2007, the government developed an awareness program directed at male college students. During the reporting period, the ROKG increased the number of lectures on the prevention of sex trafficking from 120 in 2007 to 157 in 2008. Additionally Korea established an education program for military personnel, along with public servants, local government organizations and police. The ROKG also conducted four education sessions for 144 public officials in charge of the prevention of the sex trade.

¶59. (U) A. (contd) The government-sponsored Center for Women's Human Rights published an annual report and web magazines that provided anti-trafficking information. More information is accessible online through their website, "Information Center for Women's Rights," (www.stop.or.kr). In 2008, the Ministry of Gender Equality allocated 154 million won (USD 118,000) to trafficking prevention campaigns and 59 million won (USD 45,000) to educational programs. The government also implemented the following public awareness campaigns in 2008:

- produced and distributed 7,600 leaflets to 100 counseling centers, police and self-governing bodies;
- conducted public relations outreach through subway and billboard LCD screens on the prevention of the sex trade;
- worked with counseling centers and support centers to publicize victim support policies;

-- prepared the legal basis in 2008 to carry out surveys every three years on the status of sex trade in and outside the country;
-- started classes for Korean men who plan to marry foreign women, educating them on international marriage and gender equality. (Those who attend the classes are given advantages in obtaining visas for their foreign brides.);
-- educated 17,956 during 2008 through Johns' school programs. (For more information on Johns' School programs, see paragraph 64.)

¶ 60. (U) B. The Korean government has no centralized system of tracking trafficking victims, but Korean Immigration Service (KIS) is very active in monitoring third country nationals who are transiting Korea. In order to prevent smuggling foreigners with forged passports or visas and boarding pass exchange at transit areas in airports, the ROKG revised the Immigration Control Act in March 2005 to crack down on illegal immigration and brokering at airport transit areas. Department of Homeland Security (DHS) colleagues in Seoul say that they receive a high level of cooperation from KIS officials, and get a stream of real-time information from

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them about those transiting Korea's Incheon International Airport. According to the ROKG, 27 cases of fraudulent passports or boarding tickets were detected in 2008. The government ran a transit area patrol team at the Incheon International Airport Immigration Office and dispatched two immigration liaison officers to Bangkok Airport in Thailand, to monitor and report on information related to passengers bound for Korea.

¶ 61. (U) B. (contd) In January 2006, the Ministry of Justice established the "Council to Protect and Promote Foreigners' Human Rights" and branches in 18 local immigration offices, where relevant organizations and NGOs come together and work to remedy any infringements on foreigners' rights and human rights. KIS also interviews deportees from Korea to determine if they have been the victim of human rights abuses or trafficking-related crimes. When they obtain actionable intelligence from these interviews, the information is forwarded to law enforcement authorities. The Korea National Police Agency watches specifically for passport forgeries in investigating suspected trans-border trafficking victims.

¶ 62. (U) C. The ROKG established the Monitoring Commission on the Prevention against Prostitution, which is aimed at monitoring the effectiveness of anti-prostitution measures and effectively coping with the changing environment. The government maintained a close partnership with NGOs, and NGO representatives participate in the policy advisory committee and work assessment meetings of the Ministry of Gender Equality. The ROKG also formed a 12-member Council on Improving Sex Culture, which incorporates experts, NGOs, and government officials. The council provided the government with ideas on the direction and content of anti-prostitution campaigns and education. Nationwide, in areas near red-light districts where rehabilitation support projects are in place, there are 11 local councils that include representatives from local government, the police, and NGOs. There are also anti-prostitution committees in large cities and provinces. The establishment of such a committee has been an important criterion for the central government in assessing local government's performance since 2006. The government-affiliated Center for Women's Human Rights has regularly held roundtable sessions, workshops, and many other networking opportunities to promote alliances among NGOs and partnership between the government and NGOs.

¶ 63. (U) D. The ROKG drew up a "2007-2011 Framework Plan on National Human Rights," a comprehensive five-year plan on the nation's human rights policies. The Plan included a section on the "Prevention of Prostitution and Protection of Victims" in Chapter 4 (Human Rights for the Underprivileged and Social Minorities). The Plan set out tasks for: establishing

preventive education at elementary and secondary schools; raising public awareness and creating a responsible sex culture; putting in place infrastructure to enhance the effectiveness of victim rehabilitation projects; and, offering jobs to victims and developing tailored rehabilitation programs. The Ministry of Justice and 30 other government agencies participated in drafting the Framework Plan, which was reviewed at the National Human Rights Policy Council and presented at a Cabinet meeting. In drafting the plan, two rounds of public hearings were held (in December 2006 and February 2007). In this process, human rights NGOs and experts from academia participated as either speakers or panel discussants. To publicize the plan, the ROKG published a booklet which was disseminated to the public. The plan requires each government agency and organization involved to submit a progress report to the National Human Rights Council. After reviewing this progress report, the Council plans to share it with the public, enabling NGOs and the media to monitor the outcome and offer suggestions.

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¶64. (U) E. The government carries out public awareness campaigns using advertisements to publicize the fact that prostitution is a crime. In October 2008, the government also conducted special campaigns to commemorate the four-year anniversary of the enforcement of the Anti-Prostitution Laws.

In November, the ROKG ran a week-long advertising drive to raise awareness about violence against women. The government also supported NGOs in running ten different prostitution prevention programs. Additionally, in 2008 the MOJ's "Johns' School," established in 2005, increased the number of centers offering this program to 39 -- up from 29 in 2007. Through the Johns' School program 17,956 men were educated in the program designed to reinforce the idea that prostitution is a crime. In 2005 (the most current available information) the rate of recidivism for Johns' School graduates was 1.6 percent -- far lower than the average rate of 7.5 percent. Surveys conducted before and after the course showed positive effects on attitudes toward buying sex, perceptions of the anti-prostitution law and victims, intentions with regard to repeating the offense, and the overall assessment of the program.

¶65. (U) E. (contd) In addition to awareness campaigns, police agencies in several locations -- including Seoul, Busan, Daecheon and northern Gyeonggi Province -- launched a crackdown against prostitution in August and September 2008. Police in Busan also ordered increased surveillance to catch violators and sought cooperation with USFK in identifying foreign patrons of brothels.

¶66. (U) F. In an effort to target Koreans patronizing prostitutes overseas, in 2008 the National Assembly enacted a revision to the Passport Law that enables the ROKG to control more strictly the issuance of passports and to cancel the passports of Koreans convicted of engaging in a variety of illegal acts abroad, including participation in child prostitution. In 2008 CWHR, with ROKG assistance, carried out anti-sex tourism and anti-child sex tourism campaigns at Incheon International Airport. CWHR said the lack of government support impaired the organization's ability to gain cooperation from travel agencies and thus limited the efficacy of the campaign.

¶67. (U) G. The Peacekeeping Operations Center operated by the Ministry of National Defense educates officers on the prevention of trafficking in combination with training on preserving human rights and providing humanitarian aid. Commanders and legal officers are responsible for educating servicemen on gender equality and the prevention of the sex trade in conjunction with other training. Military servicemen deployed abroad are not allowed to leave their installations on unofficial business, which reduces their opportunities to engage in trafficking or to exploit

trafficked women.

Embassy Point of Contact and Time Report

¶68. (SBU) Mission point of contact for TIP issues is Political Officer Amy Conrad, tel. 32-2-397-4213, fax 82-2-733-4791. In the drafting of this report, Embassy Seoul spent approximately 92 hours researching trafficking issues and coordinating with contacts. This total includes:

Ambassador: 1 hour

DCM: 2 hours

MC/POL: 1 hour

CG: 1 hour

02-level POL: 1 hour

04-level POL: 102 hours

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